

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

TRAVELERS PROPERTY CASUALTY COMPANY OF  
AMERICA a/s/o Ethical Culture Fieldston School and Ethical  
Culture Fieldston,

CIVIL ACTION NO.  
CV 07-11178 (SHS)

Plaintiff,  
-against-

TISHMAN CONSTRUCTION CORPORATION OF NEW  
YORK, JOHN CIVETTA & SONS, INC., AMBROSINO,  
DEPINTO, SCHMIEDER CONSULTING ENGINEERS,  
P.C., MUÑOZ ENGINEERING & LAND SURVEYING,  
P.C., COOPER, ROBERTSON & PARTNERS, LLP, and  
LANGAN ENGINEERING & ENVIRONMENTAL  
SERVICES, INC.

Defendants.

-----X

**DEFENDANT LANGAN ENGINEERING & ENVIRONMENTAL  
SERVICES INC., P.C.'S ANSWER TO CROSS-CLAIMS OF  
DEFENDANT MUÑOZ ENGINEERING & LAND SURVEYING, P.C.  
WITH CROSS-CLAIM**

Defendant, Langan Engineering and Environmental Services Inc., P.C. ("Langan"), improperly sued herein as Langan Engineering and Environmental Services, Inc., by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, as and for its Answer to the Cross-Claims of Defendant, Munoz Engineering & Land Surveying, P.C. ("Muñoz"), alleges upon information and belief as follows:

**ANSWERING THE CROSS-CLAIMS AGAINST ALL CO-DEFENDANTS**

FIRST: Langan denies the allegations contained in the Cross-Claims to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in the Cross-Claims.

**FIRST AFFIRMATIVE DEFENSE**

SECOND: Langan hereby incorporates and adopts by reference each and every applicable Affirmative Defense asserted in its Answer to the Complaint of Plaintiff, Travelers Property Casualty Company of America.

**SECOND AFFIRMATIVE DEFENSE**

THIRD: The Cross-Claims fail to state a cause of action upon which relief may be granted.

**THIRD AFFIRMATIVE DEFENSE**

FOURTH: Langan pleads the failure to join necessary parties, and the intervening negligence and intervening causation of persons not a party to this action as a partial or complete bar to all causes of action asserted in the Cross-Claims.

**FOURTH AFFIRMATIVE DEFENSE**

FIFTH: Langan will rely upon any and all other further defenses that become available or appear during discovery proceedings in this action and Langan hereby specifically reserve the right to amend its Answer to the Cross-Claims for the purposes of asserting any such additional affirmative defense.

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION  
AND/OR INDEMNIFICATION AGAINST  
DEFENDANT MUÑOZ ENGINEERING & LAND SURVEYING, P.C.**

SIXTH: If Plaintiff sustained damages in the manner alleged in the Complaint, all of which is denied by Langan, such damages were caused in whole or in part by reason of the negligence and/or culpable conduct by Munoz and/or other parties, and not as a result of any negligence or culpable conduct on the part of Langan.

SEVENTH: By reason of the foregoing, Langan is entitled to indemnification and/or contribution from, and to have judgment over and against, Munoz, for all or part of any verdict or judgment that Plaintiff may recover against Langan, including any and all attorneys' fees, costs and disbursements incurred by Langan.

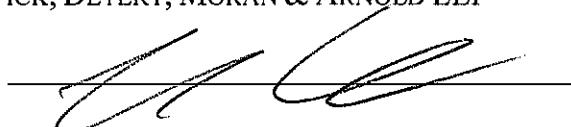
WHEREFORE, the Defendant, Langan Engineering and Environmental Services Inc., P.C., improperly sued herein as Langan Engineering and Environmental Services, Inc., hereby demands judgment dismissing the cross-claims of Defendant, Munoz Engineering & Land Surveying, P.C., or in the event Plaintiff recovers a judgment against Langan, then Langan demands judgment over against Munoz, together with attorneys' fees, costs and disbursements of this action and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
March 20, 2008

Yours, etc.,

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By:



Lawrence Klein, Esq. (LK-2875)  
J. Gregory Lahr, Esq. (GL-9969)  
Gilbert L. Lee (GL-4014)  
125 Broad Street, 39th Floor  
New York, New York 10004  
Telephone: (212) 422-0202  
Facsimile: (212) 422-0925  
Attorneys for Defendant  
Langan Engineering & Environmental Services  
Inc., P.C.

To: Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
Attorneys for Plaintiff Travelers Property Casualty  
Company of America a/s/o  
Ethical Culture Fieldston School and  
Ethical Culture Fieldston  
35 Pinelawn Road, Suite 106E  
Melville, New York 11747  
(631) 249-5600

William R. Bennett, III, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for Defendant Tishman  
Construction Corporation of New York  
494 Eighth Avenue, 7th Floor  
New York, New York 10001  
(646) 328-0120

Patrick J. Corbett, Esq.  
Rubin, Fiorella & Friedman LLP  
Attorneys for Defendant John Civetta & Sons, Inc.  
292 Madison Avenue, 11th Floor  
New York, New York 10017  
(212) 953-2381

Leonardo D'Alessandro, Esq.  
Milber, Makris, Plousadis & Seiden, LLP  
Attorneys for Ambrosino, Depinto, Schmeider  
Consulting Engineers, P.C.  
3 Barker Avenue, 6th Floor  
White Plains, New York 10601

Michael P. Mezzacappa, Esq.  
Kaufman Borgeest & Ryan LLP  
Attorneys for Munoz Engineering & Land Surveying, P.C.  
200 Summit Lake Drive, First Floor  
Valhalla, New York 10595  
(914) 741-6100

Marc S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for Defendant Cooper, Robertson & Partners, LLP  
5 Heather Court  
Dix Hills, New York 11746  
(631) 499-8409

**CERTIFICATE OF SERVICE**

I, Gilbert L. Lee, hereby certify and affirm that a true and correct copy of the attached **ANSWER TO CROSS-CLAIMS OF DEFENDANT MUNOZ ENGINEERING & LAND SURVEYING, P.C. WITH CROSS-CLAIM** was served **ECF and Regular Mail** on March 20, 2008, upon the following:

To: Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
Attorneys for Plaintiff Travelers Property Casualty  
Company of America a/s/o  
Ethical Culture Fieldston School and  
Ethical Culture Fieldston  
35 Pinelawn Road, Suite 106E  
Melville, New York 11747  
(631) 249-5600

William R. Bennett III, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for Defendant Tishman  
Construction Corporation of New York  
494 Eighth Avenue, 7th Floor  
New York, New York 10001  
(646) 328-0120

Patrick J. Corbett, Esq.  
Rubin, Fiorella & Friedman LLP  
Attorneys for Defendant John Civetta & Sons, Inc.  
292 Madison Avenue, 11th Floor  
New York, New York 10017  
(212) 953-2381

Leonardo D'Allesandro, Esq.  
Milber, Makris, Plousadis & Seiden, LLP  
Attorneys for Ambrosino, Depinto, Schmeider  
Consulting Engineers, P.C.  
3 Barker Avenue, 6th Floor  
White Plains, New York 10601

Michael P. Mezzacappa, Esq.  
Kaufman Borgeest & Ryan LLP  
Attorneys for Munoz Engineering & Land Surveying, P.C.  
200 Summit Lake Drive, First Floor  
Valhalla, New York 10595  
(914) 741-6100

Marc S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for Defendant Cooper, Robertson & Partners, LLP  
5 Heather Court  
Dix Hills, New York 11746  
(631) 499-8409

Dated: New York  
March 20, 2008



GILBERT L. LEE (GL-4014)